

EXHIBIT 5

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

VIRGIN ENTERPRISES LIMITED,

Plaintiff,

-against-

VIRGIN BEAUTY INDUSTRIES LTD., et al.,

Defendants.

ECF CASE

07 Civ. 3340 (RJH)

CLERK'S CERTIFICATE

I, J. Michael McMahon, Clerk of the United States District Court for the Southern District of New York, do hereby certify that this action was commenced on April 26, 2007, with the filing of a complaint and the filing of an amended complaint on May 21, 2007; the summons and amended complaint were served on defendant Virgin Beauty Industries, Ltd. on August 9, 2007; and proof of such service was filed with this Court on September 11, 2007.

I further certify that the docket entries indicate that defendant Virgin Beauty Industries, Ltd. has not appeared in this action and its time for doing so has expired. The default of defendant Virgin Beauty Industries, Ltd. is hereby noted.

**Dated: New York, New York
October 9, 2007**

Clerk of the Court J. Michael McMahon

By:

Deputy Clerk